

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

CHARLENE CARTER,

Plaintiff,

v.

SOUTHWEST AIRLINES CO., AND  
TRANSPORT WORKERS UNION  
OF AMERICA LOCAL 556,

Defendants.

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Civil Action No. 03:17-cv-02278-S

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**DECLARATION OF MICHAEL SIMS**

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1. My name is Michael Sims, I am over the age of 21, of sound mind, and capable of making this declaration. The facts stated herein are true and correct and are based on my personal knowledge.

2. I work for Southwest Airlines Co. ("Southwest"). I have been employed by Southwest since November 29, 1996. Currently, I am the Senior Director of Inflight Network Operations Center ("NOC") and Business Services and Support for Southwest's Inflight Department. I have worked in this role since 2020.

3. In my previous position, I was Senior Director of Base Operations. I held that position from 2011 until 2020. My primary job duty involved oversight and management of all Southwest Flight Attendants, including those Flight Attendants assigned to our Denver base, in regards to ensuring a safe and quality customer experience consistent with the Southwest Airlines brand. In addition, I provided leadership and support to our managers in our Base Operations Team located in our Network Operations Center ("NOC") and our Inflight Employee Outreach and Administrative Team.

4. Prior to becoming the Senior Director of Inflight Operations, I served as the Manager of Strategic Planning from June 2009 until July 2011. Before that role, I served as a Labor Relations Manager for Southwest from June 2007 until June 2009. Before joining Southwest management, I worked as a Southwest flight attendant for eleven years and a full time union officer for three years specializing in Southwest's flight attendant collective bargaining agreement and grievance process. Based on my work in these roles, I have developed a thorough firsthand understanding of Southwest's policies and procedures governing flight attendants. I also regularly conduct grievance hearings involving flight attendants, including Plaintiff Charlene Carter's Step 2 grievance hearing following her termination.

5. Southwest is a leading commercial airline operating thousands of flights per day and delivering industry leading service to tens of millions of customers each year.

6. Based in Dallas, Texas, Southwest employs more than 50,000 people, including more than 15,000 flight attendants.

7. All Flight Attendants at Southwest Airlines are represented by Transport Workers Union Local 556.

8. Southwest makes its "Workplace Bullying and Hazing Policy", "Policy Concerning Harassment, Sexual Harassment, Discrimination & Retaliation", and "Social Media Policy" available to all Flight Attendants. Flight Attendants are required to review and acknowledge each policy. Further, the content of these policies is part of each Flight Attendant's training at Southwest.

9. Southwest also maintains and fully implements a policy of extending reasonable accommodations on the basis of disability or religious objections. In my capacity as Senior Director of Base Operations, I am familiar with Southwest's accommodation policy documents.

I reviewed Exhibit A to my declaration. It contains copies of Southwest's accommodation policy documents. These documents were created and maintained in the order course of business.

10. If a Flight Attendant objects to the outcome of a fact finding hearing, they may grieve the outcome. If they file such a grievance, then Southwest will conduct a so-called "Step 2" hearing. The purpose of the Step 2 hearing is to provide an opportunity for a Southwest leader who did not participate in the fact-finding meeting to review the case, consider additional facts, and ensure appropriate application of Southwest policies.

11. On December 7-8, 2017, Carter and Southwest participated in a two-day arbitration before William Lemons. Carter and Southwest mutually selected the arbitrator pursuant to the CBA's grievance procedure.

12. Southwest and its employees have arbitrated over 30 disputes before Arbitrator Lemons, sometimes resulting in favorable outcomes to Southwest and other times resulting in favorable outcomes to the aggrieved employee.

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My name is Michael Sims. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Dallas County, State of Texas, on the 30th day of August, 2021.

  
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Michael Sims

# EXHIBIT A





## **DISABILITY DISCRIMINATION & WORKPLACE ACCOMMODATION POLICY**

### **Disability Discrimination Prohibition**

Southwest Airlines prohibits any and all types of discrimination against a qualified applicant or Employee on the basis of: (1) a current disability, (2) record of a prior disability, (3) being perceived or regarded as disabled, or (4) a relationship or association with someone with a disability. A qualified applicant or Employee is an individual who can perform the essential functions of the job in question, either with or without a reasonable accommodation.

### **Reasonable Workplace Accommodation**

If Southwest is notified that a qualified individual with a disability requires a reasonable accommodation in order to participate in the application process, perform the essential functions of a job, or enjoy equal benefits and privileges of employment, Southwest will work with that person to find a reasonable accommodation unless to do so would impose an undue hardship on the operation of Southwest's business.

Southwest also provides other reasonable workplace accommodations as required by law or otherwise approved by Southwest Leadership (for example, to accommodate Employees who are disabled veterans, or because of Employees' religious beliefs or practices, pregnancy restrictions, or gender identity issues).

### **Requesting Workplace Accommodations**

Requests for workplace accommodations can be either verbal or in writing and should be directed to Southwest's ***Accommodation & Career Transition ("ACT") Team*** (formerly called the ADA Team) in the People Department. The ACT Team is responsible for determining whether a reasonable workplace accommodation can be made. As such, an applicant or Employee in need of an accommodation, or a Leader aware of an applicant's or Employee's need or request for an accommodation, should contact Southwest's ACT Team. The Team will promptly engage in the interactive process with the applicant or Employee regarding the requested accommodation.

If an Employee wants to continue working with medical restrictions, whether due to an on the job injury (OJI), a non-occupational illness or injury, a military service connected disability, or pregnancy, please contact the ACT Team immediately to determine possible accommodation options. If the Employee can be temporarily accommodated through Transitional, Restricted, or OJI Return to Work "light duty," but will have restrictions for longer than the maximum eight-week period, please contact the ACT Team as soon as possible to explore other possible workplace accommodation options.

Southwest will not tolerate any form of retaliation against an applicant or Employee for requesting a workplace accommodation.

You may reach Southwest's Accommodation & Career Transition Team by contacting:

ACT Team Phone Line - (214) 792-6943

Email - [ACT.Team@wnco.com](mailto:ACT.Team@wnco.com)

Facsimile - (214) 932-1453



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## **Disability Discrimination and Workplace Accommodation Policy**

**Effective:** 01/01/2019

Issued by Southwest Airlines January 2019; Effective Until/Unless Reissued

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Southwest Airlines also provides other reasonable workplace accommodations as required by law or otherwise approved by Southwest Airlines Leadership (for example, to accommodate Employees who are disabled veterans, or because of Employees' religious beliefs or practices, pregnancy restrictions, etc.).

The **Accommodation & Career Transition ("ACT") Team** is also available to Employees and Leaders regarding gender identity or transgender workplace assistance under Southwest Airlines' guidance regarding Transgender Workers.

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Requests for workplace accommodations can be either verbal or in writing and all accommodation requests should be directed to Southwest Airlines' ACT in the People Department. The ACT Team is responsible for determining whether a reasonable workplace accommodation can be made. As such, an applicant or Employee in need of an accommodation, or a Leader aware of an applicant's or Employee's need or request for an accommodation, should contact Southwest Airlines' ACT Team. The Team will promptly engage in the interactive process with the applicant or Employee regarding the requested accommodation.

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Southwest Airlines will not tolerate any form of retaliation or discrimination against an applicant or Employee for requesting a workplace accommodation. Any and all concerns about discrimination or retaliation under this Policy should be directed to his/her Leaders or to Employee Relations in General Counsel at HDQ, [Employee\\_Relations-DG@wnco.com](mailto:Employee_Relations-DG@wnco.com).

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